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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

AMERICAN SERVICE INSURANCE)
COMPANY, an Illinois insurance company,)
)
Plaintiff,)
)
v.)
)
NAFTA GENERAL AGENCY, a Texas,)
Corporation, UNDERWRITERS MGA, Inc.,)
a Texas corporation, and RAMON VILLARREAL,)
an individual,)
)
Defendants.)

Case No. 08 CV 443

Judge David H. Coar

ORDER EXTENDING TEMPORARY RESTRAINING ORDER

This Matter coming to be heard pursuant to the Motion for Preliminary Injunction or, in the alternative, to Extend Temporary Restraining Order of the Plaintiff, American Service Insurance Company, pursuant to Rule 65 of the Federal Rules of Civil Procedure, all parties having been notified and having been given the opportunity to be heard, the Court having been apprised of the premises, the Court having read Plaintiff's Motion for Preliminary Injunction or, in the alternative, to Extend Temporary Restraining Order, and Defendants' Motion to Dismiss or Stay This Proceeding, having reviewed the caselaw and authority cited therein and having heard argument of counsel,

The Court Finds:

1. ~~The Court has jurisdiction over the subject matter and parties involved in this action;~~
2. ~~The Plaintiff is likely to succeed on the merits of its declaratory judgment, breach of contract, breach of fiduciary duty and conversion claims;~~

3. The Plaintiff is suffering an imminent threat of irreparable harm to its good will and its reputation from the Defendants' ongoing sales and marketing of insurance, and Defendants' withholding of policies and materials bearing the Plaintiff's name as well as the imminent threat that the Defendants will dissipate Plaintiff's assets;

4. There is not an adequate remedy at law because a legal remedy will not prevent the Defendants from continuing to hold themselves out as representing the Plaintiff in selling and serving insurance policies or from instituting new legal actions addressing the parties' Plaintiff's termination of the Agreement;

5. The balancing of harms favors the Plaintiff since the Plaintiff faces an imminent threat of serious injury while the Defendants are not entitled to protection for their unauthorized conduct; and

6. There is a public interest in preventing the Defendants from disseminating unauthorized insurance policies and documents.

7. Judge David H. Coar entered a Temporary Restraining Order on January 22, 2008, after having heard arguments of counsel for all parties.

8. Judge David H. Coar is out of the office and will not return until February 4, 2008, at the earliest.

9. The Plaintiff has shown good cause for extending the Temporary Restraining Order entered by Judge David H. Coar on January 22, 2008.

IT IS THEREFORE HEREBY ADJUDGED, ORDERED AND DECREED AS FOLLOWS:

1. That the Temporary Restraining Order entered by Judge David H. Coar on January 22, 2008, is extended in full force and effect until February 4, 2008, at 10 a. m.

except for paragraph 4, which paragraph is struck without prejudice.

2. Plaintiff's Motion for Preliminary Injunction is entered and continued for hearing until February 4, 2008, at 10 a.m.

Dated: January 31, 2008 at ___ p.m.

3. Defendants' Motion to Dismiss is continued for hearing on February 4, 2008 at 10:00 a.m.

ENTER:

Blanche M. Manning
United States District Court Judge

Order prepared by:
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1/31/2008